

**CHAPTER NO. 920**

**HOUSE BILL NO. 3458**

**By Representatives McMillan, Sontany, Marrero, Kent, Todd, Brenda Turner**

**Substituted for: Senate Bill No. 3209**

**By Senators Person, Ketron, Cohen**

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, Part 2, relative to aggravated cruelty to animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-212(b)(1), is amended by adding the following language at the end of the subdivision:

including the failure to provide food and water to a companion animal resulting in a substantial risk of death or death;

SECTION 2. Tennessee Code Annotated, Section 39-14-210, is amended by adding the following language as a new subsection:

(g) Any governmental animal control agency or any humane society, chartered by this state, into whose custody any animal victimized under this part shall be placed, may petition the court requesting that the person from whom the animal is seized, or the owner of the seized animal, be ordered to post security. Any such security shall be in an amount sufficient to secure payment of all reasonable expenses expected to be incurred by the governmental animal control agency or the humane society in caring and providing for the animal pending disposition of the criminal charges. Such reasonable expenses shall include, but are not necessarily limited to, the estimated costs of veterinary care and treatment for the animal as well as the estimated costs of boarding and otherwise caring for the animal. The amount of security shall be determined by the court after taking into consideration all of the facts and circumstances of the case. If the posting of security is ordered pursuant to this subsection, then the governmental animal control agency or the humane society may draw from the security the actual costs incurred in caring and providing for the seized animal pending disposition of criminal charges. Nothing in this subsection shall be construed to prevent the voluntary, permanent relinquishment of any animal by its owner to a governmental animal control agency or to a humane society, chartered by the state, in lieu of posting security; and any such voluntary relinquishment shall have no effect on the outcome of the criminal charges.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 20, 2004

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 7<sup>th</sup> day of June 2004

  
PHIL BREDESEN, GOVERNOR